

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**NEW YORK SHIPPING ASSOCIATION,**

**Plaintiff**

**V.**

**Civil Action No. 08-2205(FSH)**

**LOCAL 1804-1 INTERNATIONAL  
LONGSHOREMEN'S,**

**Defendant**

**LOCAL 1804-1 INTERNATIONAL,  
LONGSHOREMEN'S ASSOCIATION,**

**Plaintiff**

**V.**

**Civil Action No. 08-3171(FSH)**

**NEW YORK SHIPPING ASSOCIATION,**

**Defendant**

## ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of letters dated September 30, 2008 and October 1, 2008;

and the Court having conducted a telephone conference on the record on October 3, 2008;

and the Court having considered the submissions, the arguments and representations of counsel, the claims and defenses, and the record of proceedings;

and for the reasons set forth on the record on October 3, 2008;

and for good cause shown,

IT IS ON THIS 3rd day of October, 2008

ORDERED that, no later than **October 10, 2008**, the Union shall provide its notations to the proposed stipulated facts to indicate: (1) the facts that it believes are not relevant but which it does not contest the accuracy (such as by placing an asterisk to note that the fact is not relevant but its accuracy is not disputed for the purpose of the motion); and (2) the facts for which they contest the accuracy (i.e. Paragraphs 8-11 of New York's proposed stipulation of facts);

IT IS FURTHER ORDERED that, as to the facts to which the Union challenges the accuracy, New York Shipping may submit an affidavit in support of its motion for summary judgment regarding such facts and the Union may include an affidavit with facts it contends undermines New York Shipping's affidavit. If New York Shipping believes that a deposition of the Union's affiant(s) is needed, then it may request permission to conduct the deposition before submitting its reply. Nothing herein constitutes a ruling that the United States District Judge is required or permitted to consider facts beyond those presented to the arbitrator.; and

IT IS FURTHER ORDERED that all terms of the Order dated August 21, 2008 shall remain in full force and effect.

s/Patty Shwartz

**UNITED STATES MAGISTRATE JUDGE**